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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/714,654

11/18/2003

Koji Takekoshi

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EXAMINER

CHU, RANDOLPH I

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/714,654	Applicant(s) TAKEKOSHI ET AL.	
	Examiner Randolph Chu	Art Unit 2624	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/26/2004</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### **Response to Amendment**

In response to applicant's amendment received on March 13, 2007, all requested changes to the claims have been entered.

The request under Rule 1.48, correcting inventorship is acknowledged. The signature in the Applicant Remark sheet is accepted since it filed in same date.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 9 and 10 are rejected under 35 USC 103(a) as being unpatentable over Toshimitsu et al. (US 6,434,569) in view of Kudo (US 2002/0072417).

With respect to claim 1, Toshimitsu et al. teaches,

a) a monitor for displaying a medical image (Fig 2, ref. label 26);

b) an input device for inputting an image reading report corresponding to the medical image displayed on the monitor (Fig 2, ref. label 32);  
and c) a processor capable of a control of judging presence or absence of an image reading report corresponding to the medical image (col. 7 lines 57-60)

Toshimitsu et al. does not teach restricting a change of the medical image, in case the image reading report is judged absent by judging means.

Kudo teaches restricting the changing of images from the start until the completion of a predetermined particular operational mode [0012].

At the time of the invention it would have been obvious to a person of ordinary skill in the art to restricting change of image when diagnosis of image is not done in the system of Toshimitsu et al.

The suggestion/motivation for doing so would have been that to make sure all images are diagnosed by restricting change of image until completion of diagnosis operation.

Therefore, it would have been obvious to combine Kudo with Toshimitsu et al. to obtain the invention as specified in claim 1.

With respect to claim 2, Toshimitsu et al. teaches judges presence or absence of an image reading report corresponding to the medical image displayed on the monitor when the medical image displayed on the monitor is changed (col. 7 lines 50-60).

With respect to claim 9, please refer to rejection for claim 1.

With respect to claim 10, please refer to rejection for claim 2.

3. Claims 3, 4, 12 and 13 are rejected under 35 USC 103(a) as being unpatentable over Toshimitsu et al. (US 6,434,569) in view of Thirsk (US 2002/0099569).

With respect to claim 3, Toshimitsu et al. teaches,

- a) a monitor for displaying a medical image (Fig 2, ref. label 26);
- b) an input device for inputting an image reading report corresponding to the medical image displayed on the monitor (Fig 2, ref. label 32);
- and c) a processor capable of a control of judging presence or absence of an image reading report corresponding to the medical image (col. 7 lines 57-60)

Toshimitsu et al. does not teach requesting an input of an image reading report, in case the image reading report is judged absent by judging means.

Thirsk teaches requesting review of an image reading report, in case the image reading report need by certain condition. [0034].

At the time of the invention it would have been obvious to a person of ordinary skill in the art to request review of an image reading report, in case the image reading report need by certain condition in the system of Toshimitsu et al.

The suggestion/motivation for doing so would have been that to make sure all images are completely diagnosed by request image reading report.

Therefore, it would have been obvious to combine Thirsk with Toshimitsu et al. to obtain the invention as specified in claim 3.

With respect to claim 4, Toshimitsu et al. teaches judges presence or absence of an image reading report corresponding to the medical image displayed on the monitor when the medical image displayed on the monitor is changed (col. 7 lines 50-60).

With respect to claim 12, please refer to rejection for claim 3.

With respect to claim 13, please refer to rejection for claim 4.

4. Claims 5 and 14 are rejected under 35 USC 103(a) as being unpatentable over Toshimitsu et al. (US 6,434,569) in view of Thirsk (US 2002/0099569) in further view of Taniguchi et al. (2003/0055317).

With respect to claim 5, Thirsk and Toshimitsu et al. teach all the limitations of claim 3 as applied above from which claim 5 respectively depend.

Thirsk and Toshimitsu et al. does not teach expressly that measures a time elapsing from the display of the medical image on the monitor and judges presence or absence of an image reading report corresponding to the displayed medical image when the measured time exceeds a predetermined time.

Taniguchi et al. teaches determining condition of displayed image based one time elapse and predetermined time (para. [0707]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to determining condition of displayed image based one time elapse and predetermined time in the system of Thirsk and Toshimitsu et al.

The suggestion/motivation for doing so would have been that predetermined time can be set so that system can take next action.

Therefore, it would have been obvious to combine Taniguchi et al. with Thirsk and Toshimitsu et al. to obtain the invention as specified in claim 5.

With respect to claim 14, please refer to rejection for claim 5.

5. Claims 6, 7, 15, 16 and 18 are rejected under 35 USC 103(a) as being unpatentable over Toshimitsu et al. (US 6,434,569) in view of Yamada et al. (US 5235510).

With respect to claim 6, Toshimitsu et al. teaches,

- a) a monitor for displaying a medical image (Fig 2, ref. label 26);
- b) an input device for inputting an image reading report corresponding to the medical image displayed on the monitor (Fig 2, ref. label 32);
- and c) a processor capable of a control of judging presence or absence of an image reading report corresponding to the medical image (col. 7 lines 57-60)

Toshimitsu et al. does not teach automatically inputting a predetermined image reading report, in case the image reading report is judged absent by judging means.

Yamada et al. teaches automatically inputting a predetermined image reading report, in case the image reading report is judged absent by judging mean (col. 18 lines 43-6).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to automatically generate image reading report, in case the image reading report is judged absent by judging mean in the system of Toshimitsu et al.

The suggestion/motivation for doing so would have been that to make sure all images are diagnosed, when human input is not present computer can generated diagnosis report.

Therefore, it would have been obvious to combine Yamada et al. with Toshimitsu et al. to obtain the invention as specified in claim 6.

With respect to claim 7, Toshimitsu et al. teaches judges presence or absence of an image reading report corresponding to the medical image displayed on the monitor when the medical image displayed on the monitor is changed (col. 7 lines 50-60).

With respect to claim 15, please refer to rejection for claim 6.

With respect to claim 16, please refer to rejection for claim 7.

With respect to claim 18, Yamada et al. teaches the image reading report automatically inputted by the control step includes an image display time (date) (figure 9).



6. Claims 8 and 17 are rejected under 35 USC 103(a) as being unpatentable over Toshimitsu et al. (US 6,434,569) in view of Yamada et al. (US 5235510) in further view of Taniguchi et al. (2003/0055317).

With respect to claim 8, Thirsk and Yamada et al. teach all the limitations of claim 6 as applied above from which claim 5 respectively depend.

Thirsk and Yamada et al. does not teach expressly that measures a time elapsing from the display of the medical image on the monitor and judges presence or absence of an image reading report corresponding to the displayed medical image when the measured time exceeds a predetermined time.

Taniguchi et al. teaches determining condition of displayed image based one time elapse and predetermined time (para. [0707]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to determining condition of displayed image based one time elapse and predetermined time in the system of Thirsk and Yamada et al.

The suggestion/motivation for doing so would have been that predetermined time can be set so that system can take next action.

Therefore, it would have been obvious to combine Taniguchi et al. with Thirsk and Yamada et al. to obtain the invention as specified in claim 8.

With respect to claim 17, please refer to rejection for claim 8.

7. Claim 11 is rejected under 35 USC 103(a) as being unpatentable over Toshimitsu et al. (US 6,434,569) in view of Kudo (US 2002/0072417) in further view of Taniguchi et al. (2003/0055317).

Thirsk and Kudo teach all the limitations of claim 3 as applied above from which claim 9 respectively depend.

Thirsk and Kudo does not teach expressly that measures a time elapsing from the display of the medical image on the monitor and judges presence or absence of an image reading report corresponding to the displayed medical image when the measured time exceeds a predetermined time.

Taniguchi et al. teaches determining condition of displayed image based one time elapse and predetermined time (para. [0707]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to determining condition of displayed image based one time elapse and predetermined time in the system of Thirsk and Kudo.

The suggestion/motivation for doing so would have been that predetermined time can be set so that system can take next action.

Therefore, it would have been obvious to combine Taniguchi et al. with Thirsk and Kudo to obtain the invention as specified in claim 11.

8. Claim 19 is rejected under 35 USC 103(a) as being unpatentable over Toshimitsu et al. (US 6,434,569) in view of Coffin et al. (US 5991429).

With respect to claim 6, Toshimitsu et al. teaches,

- a) a monitor for displaying a medical image (Fig 8, ref. label s14);
- b) a step of instructing a change in the displayed medical image (Fig 8, ref. label S11);

Toshimitsu et al. does not teach c) a step of judging, in case the change instructing step is an instruction for changing a subject person; whether another medical image other than the displayed medical image exists for the same subject person of the displayed medical image; and d) a step of restricting a change in the subject person instructed by the change instructing step, in case another medical image other than the displayed medical image is judged to exist for the same subject person of the displayed medical image.

Coffin et al. teaches c) a step of judging, in case the change instructing step is an instruction for changing a subject person, whether another medical image other than the displayed medical image exists for the same subject person of the displayed medical image (Fig 4 ref. label 49); and d) a step of restricting a change in the subject person instructed by the change instructing step, in case another medical image other than the displayed medical image is judged to exist for the same subject person of the displayed medical image (Fig 4 arrow ref. label 49 to 40).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to restrict change of image when there are more image for same patient in the system of Toshimitsu et al.

The suggestion/motivation for doing so would have been that to make sure all images are diagnosed for the patient.

Therefore, it would have been obvious to combine Coffin et al. with Toshimitsu et al. to obtain the invention as specified in claim 19.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randolph Chu whose telephone number is 571-270-1145. The examiner can normally be reached on Monday to Thursday from 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on 571-272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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SUPERVISORY PATENT EXAMINER